

REMARKS

Claims 1-4 are pending in this application. By this Amendment, claims 5 and 6 are canceled without prejudice, or disclaimer to the subject matter recited therein. No new matter is added.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Crepeau in the September 26, 2007 telephone interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments merely cancel claims; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because Applicant had only provisionally elected claims 1-4 in the response to December 12, 2006 Restriction Requirement. Entry of the amendments is thus respectfully requested.

Claims 1 and 2 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0213902 to Ajiki et al. (hereinafter "Ajiki"); claims 1, 2 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0209152 to Yamada et al. (hereinafter "Yamada"); claim 3 is rejected under 35 U.S.C. §103(a) over Yamada; claims 3 and 4 are rejected under 35 U.S.C. §103(a) over Ajiki; and claims 1-4 are provisionally rejected on the ground of non-statutory obviousness-type double patenting over the claims of co-pending U.S. Patent Application Nos. 10/780,737 to Yamada, which corresponds to the U.S. Patent Application Publication Nos. 2004/0209152, and 10/781,752 to Ajiki, which corresponds to U.S. Patent Application Publication No. 2004/0213902. These rejections are respectfully traversed.

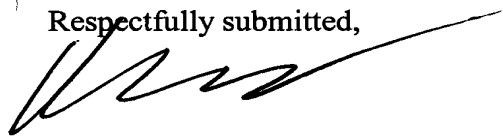
As agreed during the telephone interview on September 26, 2007, Applicant respectfully submits that Applicant has previously properly perfected priority to JP 2003-058743, in accordance with 37 C.F.R. §1.55(a), by filing an accurate English language translation of JP 2003-058743 as an attachment to the September 5, 2007 Request for Reconsideration After Final Rejection. Moreover, because JP 2003-058743 was filed on March 5, 2003, which is prior to the filing date of Ajiki (filed in the United States on February 20, 2004) and Yamada (filed in the United States on February 19, 2004), the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) should be withdrawn.

Additionally, with respect to the provisional rejections of claims 1-4 on the ground of non-statutory obviousness-type double patenting over the claims of Copending Application Nos. 10/780,737 and 10/781,752. These rejections are moot in view of the attached Terminal Disclaimer. Accordingly, Applicant respectfully requests withdrawal of the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:LXF/tjx

Attachments:

Terminal Disclaimer
Petition for Extension of Time

Date: October 5, 2007

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